

REMARKS

Claims 1-18 and 28-45 are currently pending in the application, of which Claims 1-18 currently stand rejected. Applicant has added new Claims 28-45.

Addition of New Claims 28-45

New Claims 28-45 include negative limitations to more clearly point out the differences in oak dust and natural cork. In Claim 28, the claim includes “oak dust that does not consist of natural cork from about 0.1 to 25 weight percent.” In Claim 37, the claim includes “oak dust not comprising natural cork from about 0.1 to 25 weight percent.” The addition of these limitations is not a withdrawal of Applicant’s previous position that oak dust as defined in the specification, and as further supported by the Declaration of Tiberia, does not include natural cork. Rather, the addition of these express limitations to the claims is meant to further clarify that the oak dust being claimed does not include natural cork. It should be noted, however, that the express negative limitation to natural cork applies only to the definition of oak dust and should not be construed as precluding the inclusion of natural cork as an ingredient separate from the oak dust. In other words, the negative limitation serves only to expressly limit the definition of oak dust.

No new matter is added by the addition of Claims 28-45. The addition of the negative limitation excluding natural cork from the definition of oak dust is supported by the originally-filed specification and the Declaration of Tiberia.

Claim Rejections – 35 USC §103

The Examiner has maintained his rejections of Claims 1-18 under 35 U.S.C. 103(a) as being unpatentable over Oka et al (WO 03/020817), Merguriya I (U.S. Patent No. 5,981,610), or Meguriya II (U.S. Patent No. 6,506,331), each as applied to the rejected claims under §102, and further in view of Descamps et al (U.S. Patent No. 5,162,397), Strauss (U.S. Patent No.

4,031,059), and Snogren (U.S. Patent No. 3,296,153) all taken together. Applicant again traverses these rejections on the bases previously set forth in the After-Final Response filed on October 2, 2006. Applicant respectfully requests that the rejections of Claims 1-18 under 35 U.S.C. 103(a) be withdrawn.

CONCLUSION

Applicant respectfully submits that the pending Claims 1-18 and 28-45 are in condition for allowance and such a Notice is respectfully requested. The Examiner is invited to call the undersigned at the below-listed telephone number if, in the opinion of the Examiner, such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

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